

OCT 19 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA G. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA)	
)	Criminal Action No. 5:10CR00021
)	Civil Action No. 5:12CV80421
v.)	
)	<u>ORDER</u>
)	
JOEL DOMINGUEZ VAZQUEZ,)	By: Hon. Glen E. Conrad
)	Chief United States District Judge
Defendant.)	

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The government's motion to dismiss is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 is **DISMISSED** as untimely and this matter shall be **STRICKEN** from the active docket of the court; and
3. A certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This 19th day of October, 2012.

[Signature: Glen E. Conrad]

Chief United States District Judge